

HB 2467 - S AMD 294

By Senator Rasmussen and Schoesler

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 15.54.325 and 1999 c 383 s 1 and 1999 c 382 s 1 are
4 each reenacted and amended to read as follows:

5 (1) No person may distribute in this state a commercial fertilizer
6 until it has been registered with the department by the producer,
7 importer, or packager of that product. (~~A bulk fertilizer does not
8 require registration if all commercial fertilizer products contained in
9 the final product are registered.~~)

10 (2) An application for registration (~~shall~~) must be made on a
11 form furnished by the department and (~~shall~~) must include the
12 following:

- 13 (a) The product name;
14 (b) The brand and grade;
15 (c) The guaranteed analysis;
16 (d) Name, address, and phone number of the registrant;
17 (e) (~~Labels~~) A label for each product being registered;
18 (f) Identification of those products that are (i) waste-derived
19 fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer
20 materials containing phosphate;

21 (g) The concentration of each metal, for which standards are
22 established under RCW 15.54.800, in each product being registered,
23 unless the product is (i) anhydrous ammonia or a solution derived
24 solely from dissolving anhydrous ammonia in water, (ii) a customer-
25 formula fertilizer containing only registered commercial fertilizers,
26 or (iii) a packaged commercial fertilizer whose plant nutrient content
27 is present in the form of a single chemical compound which is
28 registered in compliance with this chapter and the product is not
29 blended with any other material. The provisions of (g)(i) of this
30 subsection do not apply if the anhydrous ammonia is derived in whole or

1 in part from waste such that the fertilizer is a "waste-derived
2 fertilizer" as defined in RCW 15.54.270. Verification of a
3 registration relied on by an applicant under (g)(iii) of this
4 subsection must be submitted with the application;

5 (h) If a waste-derived fertilizer~~((s and))~~ or micronutrient
6 fertilizer~~((s shall include at a minimum))~~, information to ensure the
7 product complies with chapter 70.105 RCW and the resource conservation
8 and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

9 (i) Any other information required by the department by rule.

10 (3) All companies planning to mix customer-formula fertilizers
11 shall include the statement "customer-formula grade mixes" under the
12 column headed "product name" on the product registration application
13 form. All customer-formula fertilizers sold under one brand name shall
14 be considered one product.

15 ~~((All registrations issued by the department for registrants
16 whose names begin with the letters A through M expire on June 30th of
17 even numbered years and all registrations issued by the department for
18 registrants whose names begin with the letters N through Z expire on
19 June 30th of odd numbered years, unless otherwise specified in rule
20 adopted by the director))~~ Registrations are issued by the department
21 for a two-year period beginning on July 1st of a given year and ending
22 twenty-four months later on July 1st, except that registrations issued
23 to a registrant who applies to register an additional product during
24 the last twelve months of the registrant's period expire on the next
25 July 1st.

26 (5) An application for registration ~~((shall))~~ must be accompanied
27 by a fee of fifty dollars for each product~~((, except that an applicant
28 whose registration expires in even numbered years shall pay a fee of
29 twenty five dollars for each product for the registration period ending
30 June 30, 2000))~~.

31 (6) Application for renewal of registration is due July 1st of each
32 registration period. If an application for renewal ~~((of the product
33 registration provided for in this section is not filed prior to July
34 1st of the registration renewal year))~~ is not received by the
35 department by the due date, a late fee of ten dollars per product
36 ~~((shall be assessed and))~~ is added to the original fee and ~~((shall))~~
37 must be paid by the applicant before the renewal registration ~~((shall))~~
38 may be issued. ~~((The assessment of this late fee shall not prevent the~~

1 ~~department from taking any other action as provided for in this~~
2 ~~chapter. The))~~ A late fee (~~(shall)~~) does not apply if the applicant
3 furnishes an affidavit that he or she has not distributed this
4 commercial fertilizer subsequent to the expiration of (~~(his or her)~~)
5 the prior registration. Payment of a late fee does not prevent the
6 department from taking any action authorized by this chapter for the
7 violation.

8 **Sec. 2.** RCW 15.54.340 and 2003 c 15 s 1 are each amended to read
9 as follows:

10 (1) Any packaged commercial fertilizer distributed in this state
11 (~~(shall)~~) that is not a customer-formula fertilizer must have placed on
12 or affixed to the package a label (~~(setting forth)~~) stating in clearly
13 legible and conspicuous form the following information:

- 14 (a) The net weight;
- 15 (b) The product name, brand, and grade. The grade is not required
16 if no primary nutrients are claimed;
- 17 (c) The guaranteed analysis;
- 18 (d) The name and address of the registrant or licensee. The name
19 and address of the manufacturer, if different from the registrant or
20 licensee, may also be stated;

21 (e) Any information required under WAC (~~(296-62-054)~~) 296-307-560
22 through 296-307-56050;

23 (f) A statement, established by rule, referring persons to the
24 department's Uniform Resource Locator (URL) internet address where data
25 regarding the metals content of the product is located; and

26 (g) Other information as required by the department by rule.

27 (2) (~~(If a)~~) Any commercial fertilizer that is distributed in
28 bulk((7)) in this state that is not a customer-formula fertilizer must
29 be accompanied by a written or printed statement (~~(of)~~) that includes
30 the information required by subsection (1) of this section (~~(shall~~
31 ~~accompany delivery)~~) and must be supplied to the purchaser at the time
32 of delivery.

33 (3) Each delivery of a customer-formula fertilizer (~~(shall be~~
34 ~~subject to containing those ingredients specified by the purchaser,~~
35 ~~which ingredients shall be shown on the statement or invoice with the~~
36 ~~amount contained therein, and a record of all invoices of customer-~~
37 ~~formula grade mixes shall be kept by the registrant or licensee for a~~

1 ~~period of twelve months and shall be available to the department upon~~
2 ~~request: PROVIDED, That each such delivery shall))~~ in this state must
3 be accompanied by either a statement, invoice, a delivery slip, or a
4 label if bagged, containing the following information: The net weight;
5 the brand; the name and amount of each ingredient; the guaranteed
6 analysis which may be stated to the nearest tenth of a percent or to
7 the next lower whole number; the name and address of the registrant or
8 licensee, or manufacturer, or both; and the name and address of the
9 purchaser.

10 (4) Each delivery of a customer-formula fertilizer must contain the
11 ingredients specified by the purchaser. A record of the invoice or
12 statement of each delivery must be kept by the registrant or licensee
13 for twelve months and must be available to the department upon request.

14 **Sec. 3.** RCW 15.54.362 and 1993 c 183 s 7 are each amended to read
15 as follows:

16 (1) Every registrant or licensee who distributes commercial
17 fertilizer in this state (~~shall~~) must file a semiannual report on
18 forms provided by the department (~~setting forth~~) stating the number
19 of net tons of each commercial fertilizer (~~so~~) distributed in this
20 state. (~~The reports will cover the following periods: January 1~~
21 ~~through June 30 and July 1 through December 31 of each year.))~~

22 (a) For the period January 1st through June 30th of each year, the
23 report is due on July 31st of that year; and

24 (b) For the period July 1st through December 31st of each year, the
25 report is due on January 31st of the following year.

26 Upon permission of the department, (~~an annual statement under oath may~~
27 ~~be filed for the annual reporting period of July 1 through June 30 of~~
28 ~~any year by any)) a person distributing (~~within~~) in the state less
29 than one hundred tons for each six-month period during any (~~calendar~~
30 ~~year, and upon filing such statement, such person shall pay the~~
31 ~~inspection fee required under RCW 15.54.350)) annual reporting period
32 of July 1st through June 30th may submit an annual report on a form
33 provided by the department that is due on the July 31st following the
34 period. The department may accept sales records or other records
35 accurately reflecting the tonnage sold and verifying such reports.~~~~

36 (2) Each person responsible for the payment of inspection fees for
37 commercial fertilizer distributed in this state (~~shall~~) must include

1 the inspection fees with (~~the report on the same dates and for the~~
2 ~~same reporting periods mentioned in subsection (1) of this section~~)
3 each semiannual or annual report. If in (~~one year~~) an annual
4 reporting period a registrant or licensee distributes less than eighty-
5 three tons of commercial fertilizer or less than one hundred sixty-
6 seven tons of commercial lime or equivalent combination of the two, the
7 registrant or licensee (~~shall~~) must pay the minimum inspection fee(~~-~~
8 ~~The minimum inspection fee shall be~~) of twenty-five dollars (~~per~~
9 ~~year~~)).

10 (3) The department may, upon request, require registrants or
11 licensees to furnish information setting forth the net tons of
12 commercial fertilizer distributed to each location in this state.

13 (4) (~~Semiannual or annual reports filed after the close of the~~
14 ~~corresponding reporting period shall pay a late filing fee of twenty-~~
15 ~~five dollars. Inspection fees which are due and have not been remitted~~
16 ~~to the department by the due date shall have a late collection fee of~~
17 ~~ten percent, but not less than twenty five dollars, added to the amount~~
18 ~~due when payment is finally made. The assessment of this late~~
19 ~~collection fee shall not prevent the department from taking any other~~
20 ~~action as provided for in this chapter.~~)

21 (a) If a complete report is not received by the due date, the
22 person responsible for filing the report must pay a late fee of twenty-
23 five dollars.

24 (b) If the appropriate inspection fees are not received by the due
25 date, the person responsible for paying the inspection fee must pay a
26 late fee equal to ten percent of the inspection fee owed or twenty-five
27 dollars, whichever is greater.

28 (c) Payment of a late fee does not prevent the department from
29 taking any other action authorized by this chapter for the violation.

30 (5) It (~~shall be~~) is a misdemeanor for any person to divulge any
31 information provided under this section that would reveal the business
32 operation of the person making the report. However, nothing contained
33 in this subsection may be construed to prevent or make unlawful the use
34 of information concerning the business operations of a person in any
35 action, suit, or proceeding instituted under the authority of this
36 chapter, including any civil action for the collection of unpaid
37 inspection fees, which action is (~~hereby~~) authorized and which shall
38 be as an action at law in the name of the director of the department.

